

## ARTICLE VIII

**Section 1.** Upon any well-founded information that this ordinance is being violated the Selectmen shall, on their own initiative, take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Superior Court or by any other appropriate legal action.

**Section 2.** The terms and conditions of this ordinance shall apply to any building or structure which may be moved into town in total or in part already constructed.

**Section 3.** Whoever violates any of the provisions of the regulations of this ordinance shall be punished upon conviction by a fine not exceeding two hundred seventy-five dollars (\$275.00) for each day of violation.

## **ARTICLE IX**

### **WETLAND AND WATERSHED PROTECTION DISTRICT**

#### **A. Authorities and Purpose**

1. Establishment of this ordinance with the authority vested in the Fremont Planning Board by the voters of the Town of Fremont, N.H. on March 11, 1947 and the authority vested in the Conservation Commission by the voters of the Town of Fremont, N.H. on RSA 36-A:1-6.
2. Purpose: In the interest of public health, convenience, safety, and welfare, the regulation of the District are intended to guide the use of areas of lands draining into wetlands, rivers, brooks, ponds or water supply areas; to control building and land uses which would contribute to pollution of surface and ground water by sewage; to prevent the destruction of watershed areas and wetlands which provide flood protection, recharge of ground water supply, and augmentation of stream flow during dry periods; to prevent unnecessary or excessive expenses to the Town to provide and maintain essential services and utilities which arise because of inharmonious use of watershed areas and wetlands; to encourage those uses that can be appropriately and safely located in this district.

#### **B. Administration**

1. Administration of the provisions of this ordinance shall be coordinated with the Fremont Conservation Commission through the designated commission member represented on the Fremont Planning Board. Responsibilities of said member shall be consistent with RSA 36:0 and RSA 36-A:2-3.
2. To the extent possible the Watershed Protection District shall, through the Planning Board, maintain close coordination with surrounding watershed districts and regional watershed authorities.

#### **C. Definitions**

1. Wetlands: Wetlands means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adopted for life in saturated soil conditions.
2. Watershed Protection Area: Watershed Protection Area shall mean an area of land surrounding designated wetlands for the purpose of controlling building and land uses which would contribute to the pollution of surface and ground water, and preventing the destruction of watershed areas and wetlands which would

provide flood protection. Land areas designated as Watershed Protection Areas shall comply with the provisions of Section E.

- a. Watershed Protection Area: - Permanent flowage; (rivers, brooks, streams and ponds) shall include all lands within one hundred fifty (150) feet of the mean annual high of the Exeter River, Piscassic River, Loon Pond, Red Brook, and Brown Brook and other streams to be named.
  - b. Watershed Protection Area: - intermittent flowage; Any brook, stream, or pond having flowing or standing water for six (6) months of the year shall include all lands within one hundred (100) feet of the center line of said brook or stream and one hundred (100) feet from the mean annual high of said pond.
  - c. Watershed Protection Area: Wetlands: shall include that land area within one hundred (100) feet of any designated wetland. In addition, the protection area shall include "poorly drained" and "very poorly drained" soils and a one hundred (100) foot buffer around these soils.
  - d. Sections a – c above shall be considered minimum buffer areas for watershed protection. In certain cases the Board may require increased watershed boundaries when considering, but not limited to, the following: when areas abutting watershed protection areas have excessive inclines of twelve percent (12%) or greater, importance of watershed to water supply, importance of watershed to wildlife habitat. If the Board makes a determination that increased watershed protection is necessary, the Board may require the watershed protection area to be increased by up to and not to exceed one hundred feet (100').
3. Prime Wetlands: Shall mean any areas falling within the jurisdictional definitions of RSA 482-A:3 and RSA 482-A:4 that possess one or more of the values set forth in RSA 482-A:1 and that, because of their size, unspoiled character, fragile condition or other relevant factors, make them of substantial significance. Such maps or designations, or both, shall be in such form and to such scale, and shall be based upon such criteria, as are established by the commissioner through rules adopted pursuant to RSA 541-A.
- D. Test Procedures (Subdivisions Regulation): Soil testing procedures shall be subject to the prior review, approval and on site inspection by the Planning Board or its designate. Such procedures shall be conducted by, and at the expense of, the landowner/subdivider. A complete record of the tests shall be submitted to the Selectmen and placed on file with the Planning Board.
  - E. Uses Permitted: Any of the following uses that do not result in the erection of any dwelling or building in public or private use or alter the surface configuration of

the land may be permitted in this district consistent with State and Federal wetland regulations:

1. Forestry, tree farming, within the limits of RSA 224:44a.
2. Agriculture, including grazing, farming, truck gardening, and harvesting of crops, except that mink farms and piggeries shall not be included in this district.
3. Drainage ways, streams, creeks, or other paths of normal run-off water.
4. Water impoundments and well supplies.
5. Wildlife refuge.
6. Open space as may be permitted by subdivision regulations and other sections of this ordinance.

F. Special Provisions

1. No waste disposal system may be located closer than one hundred (100) feet to any wetland.
2. No waste disposal system may be located within a watershed protection area.
3. Wetlands shall not be used to satisfy the minimum lot area and setback requirements but may be included in the total lot area.
4. Watershed protection areas may be included in the minimum lot size requirements. All dwellings, structures, or parking areas shall have no portion within the Watershed Protection Area and/or no portion closer to Wetlands than those limits defined under Article IV as setback requirements.

G. Prime Wetlands: In accordance with RSA 482-A:15 the wetland system commonly known as "Spruce Swamp" and described in documents and maps filed by the Planning Board and Conservation Commission with the Town Clerk and the State of New Hampshire Department of Environmental Services, is hereby designated as a prime wetland.

H. Special Exceptions: The Board of Adjustment, after proper public notice and public hearing, may grant special exceptions for the following uses within the district, the application for such uses having been referred by the Planning Board for site plan review, the Conservation Commission, the Health Officer and Building Inspector and reported upon by all four (4) prior to the public hearing or thirty (30) days have elapsed following such referral without receipt of such reports.

1. Recreation, including golf courses, parks (but not an amusement park) boating, fishing, landings, picnic areas and any non-commercial open-air recreation use, provided there are adequate provision for disposal of waste products and for parking.

2. Dredging, filling, drainage (in compliance with the RSA 149:8a) or otherwise altering the surface configuration of the land; streets, roads and other access ways and utility rights if essential to the productive use of land if so located and constructed as to minimize any detrimental impact of such uses upon the wetland and watershed protection areas.
3. Proper evidence to this effect shall be submitted in writing to the Board of Adjustment and shall be accompanied by the findings of a review by the Rockingham County Soil Conservation Service District of the environment effects of such proposed use upon the wetland and watershed protection area in question.